

SENATOR CHAMBERS: That's right. But this is a situation, remember, where you're allowed to drink at home and you're not carrying a container on the street, which is what constitutes the minor in possession. You have the container with something in it. This is a case where, as you pointed out, the youngster is the container and came to that status by doing at home that which is legal.

SENATOR HOHENSTEIN: Okay, I understand. Let me ask you one other question because I was trying to think how this would work with the juvenile code. Let's assume that you have a juvenile who was picked up for, oh, reckless driving, that's the primary offense. He's 17 years old and they also find out that he's got .04 of alcohol in his bloodstream while he's driving so he could be charged with reckless driving and under this provision if this became law. Now he decides that...we also find out that this minor is married and has been living out of the home for six months. Do you think that putting this provision would encourage that juvenile to take the position that I'm emancipated, but that is in contradiction to a position that he or she may want to take with respect to being involved in the juvenile code? In other words, if, in fact, you want to treat a juvenile as a juvenile, they really can't come into court and say, you know, I'm an emancipated minor and, therefore, you shouldn't charge me under this new law and then come back and also argue that I should be charged as a juvenile. You can't do both. Would you agree with that?

SENATOR CHAMBERS: In a way. But, Senator Hohenstein, what we have to realize is that the age is...the age of young people affected by this bill is above the age of those who can be dealt with as juveniles under the juvenile code anyway. So there's an overlap which makes it difficult to answer the question.

SENATOR HOHENSTEIN: I understand, and I thank you for your answers. I just...I think that the amendment is much better than the offering of Senator Chambers on this issue yesterday because it does clarify the issue and does cover that gap that wasn't covered yesterday between the ages of 19 and 21 although I think it poses other problems and presents other problems. I think you can get a situation where a juvenile truly is a juvenile. But in order to avoid the implications of this bill would have to argue that, in fact, they're not a juvenile, they're emancipated. They may not want to do both. And it puts them in a situation where I think you'd maybe rather be in